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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/519,999 03/06/00 OZAWA

S 4495-001

EXAMINER

IM22/0801

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MADSEN, R	
ART UNIT	PAPER NUMBER

1761

DATE MAILED:

08/01/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/519,999

Applicant(s)

OZAWA, SHIGEO

Examiner

Robert Madsen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, applicant refers to an outer bag / inner bag combination as an accommodation bag. However applicant also uses accommodation bag to refer to the inner bag, and consequently in the dependent claims it is not clear as to which "accommodation bag" applicant is referring, especially claims 8 and 9.

Claim 5 recites the limitation "the boiled water" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 5 depends, does not include any water.

Claims 7 and 8 recite the limitation "the vapor releasing hole" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the heating means" line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (JP 10139077).

Regarding claims 1-3 and 5, Yamada teaches an outer bag and a bag accommodated in the outer bag, or an accommodation bag, as recited in claim 1 (See Figures 4 and 8, English Abstract). At least one is capable of out flowing an inside liquid since, the size of the holes in the outside bag may be of any size and number as recited in claim 2(English description of Figure 4, Page 5-first paragraph) and since the inner bag release steam, or passes boiled water as recited in claim 5 (English description Page 6, lines 4-7) the outside bag's holes would also serve as vapor release holes as recited in claim 3.

Regarding claim 4, in one of the embodiments (Figure 15), Yamada shows the outer/inner bag is applied to the top of a container, and thus the bag is equipped on the bottom face to release the boiling water discussed in the above rejections.

Regarding claim 7, a vapor release hole of the inner bag (item 22 of Figure 8) is sealed by a member with a vapor blow out time adjusting function. In other words, a particular pressure is reached at a particular time during heat that causes the member to break (English description Page 5, last 5 lines).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Melnick (US 3547658).

Melnick teaches an outer bag and a bag accommodated with the outer bag See (Figure 3 and Figure 4).

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al. (US 5342634).

Murata et al. teaches an outer bag and more than 1 bag accommodated with the outer bag, as recited in claim 1, wherein one of the inner bags (82) is water permeable, as recited in claim 2, (See Figure 20, Column 16, lines 32-68).

Claims 1-3, 5,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. (JP410042800A).

Regarding claims 1-3, 5, 7, Sasaki et al. teach an outer bag and an inner accommodation bag, as recited in claim 1, wherein the inner bag is capable of releasing liquid and boiled water upon heating as recited in claims 2 and 5, or the outer bag has a vapor release as recited in claim 3. The vapor release hole is time dependent as recited in claim 7(English Abstract, English description Page 2 , lines 4-6 and the last 1 lines and Page 6, lines 6-14).

Claims 1-3, 5,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichikawa et al. (JP 63131926).

Ichikawa et al. teach an outer bag and an inner accommodation bag, as recited in claim 1, wherein the inner bag is capable of releasing liquid and boiled water upon

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heating as recited in claims 2 and 5, or the outer bag has a vapor release as recited in claim 3. The vapor release hole is time dependent (i.e. at the time the pressure exceeds the seal strength) as recited in claim 7. The outer bag has a display means for displacing the inside pressure (i.e. when the pressure has exceeded the seal strength the bag ruptures) as recited in claim 8 (See English Abstract and Figures 3 and 4).

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (JP 409308502A).

Tanaka teaches an outer bag and an inner accommodation bag wherein one of the bags accommodates liquid and a heat means for heating the liquid thereof (English abstract).

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly (US 4067313)

Donnelly teaches an outer bag and an inner accommodation bag wherein the heating means (calcium chloride/calcium oxide/sodium acetate) is sheltered from the inside of the accommodation bag such that least two materials which generate heat by a chemical reaction (i.e. water and the heating means) are separately stored when an outer pressure is applied (Abstract, Column 6, lines 28-67).


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Madsen whose telephone number is (703)305-0068. The examiner can normally be reached on 6:30AM-4:00PM, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703)308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3599 for regular communications and (703)305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

R. Madsen 
July 27, 2001


MILTON I. CANO
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